

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**October 5, 2009**

The Tippecanoe County Commissioners met on Monday, October 5, 2009 at 10:00 a. m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel, Vice President David S. Byers, and Member Thomas P. Murtaugh. Also present were: Attorney David W. Luhman, Auditor Jennifer Weston, Commissioner's Assistant Frank Cederquist, and Acting Secretary Dawn Rivera.

Commissioner Knochel called the meeting to order and led the Pledge of Allegiance.

***APPROVAL OF MINUTES***

- Commissioner Byers moved to approve minutes from the September 21, 2009 regular meeting, second by Commissioner Murtaugh; motion carried.

***PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS***

Commissioner's Assistant Frank Cederquist recommended approval of accounts payable vouchers for September 23, 25, 28, 30, 2009 and October 2, 5, 2009 as submitted with no exceptions.

- Commissioner Murtaugh moved to approve the accounts payable vouchers as presented, second by Commissioner Byers; motion carried.

***REZONE***

***Z-2415 – Norman and Delores Bennett (AW to RE); Ordinance 2009-17-CM:***

- Commissioner Byers moved to hear Rezone Z-2415 – Norman and Delores Bennett (AW to RE) Ordinance 2009-17-CM, second by Commissioner Murtaugh; motion carried.

(quote)

September 17, 2009  
 Ref. No.: 09-299

Tippecanoe County Commissioners  
 20 North 3rd Street  
 Lafayette IN 47901

**CERTIFICATION**

**RE: Z-2415--NORMAN & DELORES BENNETT (AW to RE) (Catterson Hollow Rural Estate):**

Petitioners are requesting rezoning to allow a rural estate subdivision of 3 lots on 11.12 acres located at the corner of Kerber Road and Amanda Place, north of Division Road, in Shelby 24 (NW) 23-6.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on September 16, 2009 the Area Plan Commission of Tippecanoe County voted 11 yes - 0 no on the motion to rezone the subject real estate from AW to RE. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the JURISDICTION at their October 5, 2009 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

Sallie Dell Fahey  
Executive Director

(unquote)

Attorney Pat Cunningham, representing the Bennett's, presented the board with an aerial photo of the property. He explained this parcel was the remaining acreage from a prior rural estate subdivision split, leaving the original zoning. In order to subdivide the property as part of the overall estate planning, an RE zone is required. Mr. Cunningham noted the steps necessary to meet the requirements of the requested re-zoning have been taken.

- Commissioner Byers moved to approve Rezone Z-2415 – Norman and Delores Bennett (AW to RE) Ordinance 2009-17-CM, second by Commissioner Murtaugh; motion carried.

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2009-17-CM passes 3-0.

***HIGHWAY – Opal Kuhl***  
**SHL 503 Culvert Replacement Project – Bid Opening**

Hunt Paving Co.  
\$152,571.50

George R. Harvey & Son, Inc.  
\$155,194.00

Fairfield Contractors  
\$127,116.00

F & K Construction  
\$156,467.00

Jack Isom Construction  
\$134,982.00

Milestone Construction, LLP  
\$172,783.65

Wirtz & Yates, Inc.  
\$145,303.30

- Commissioner Byers moved to take the bids under advisement, second by Commissioner Murtaugh; motion carried.

***WAS 101 Culvert Replacement Project – Bid Award***

Highway Director Opal Kuhl recommended the board accept the low bid for this project from Jack Isom Construction for \$124,964.50.

- Commissioner Murtaugh moved to accept the bid from Jack Isom Construction for \$124,964.50, second by Commissioner Byers; motion carried.

A Warranty Deed and Temporary Highway Easement Grant with Matthew F. and Julie M. Huser for Parcels #53 and #53A were presented for approval. The Warranty Deed is in the amount of \$4,000 and the Temporary Easement is \$90.

- Commissioner Murtaugh moved to approve the Warranty Deed and Temporary Easement for Parcels #53 and #53A, second by Commissioner Byers; motion carried.

A Continuation Certificate for Hack Excavating for work in the county right-of-way was presented. Ms. Kuhl explained certificates expire after one year; this is a renewal of a current certificate.

- Commissioner Byers moved to accept the Continuation Certificate from Hack Excavating, second by Commissioner Murtaugh; motion carried.

Director Kuhl submitted a Petition for Vacation of a Public Way in the town of Concord. Attorney Luhman stated a hearing date is needed to be set today that allows the petitioner ample time for publication of said hearing.

- Commissioner Murtaugh moved to set the public hearing for November 2, 2009 at 10:00, which is the first regular meeting in that month, second by Commissioner Byers; motion carried.

Ms. Kuhl presented three Utility Reimbursement Agreements for Bridge U209. This project is a federal aid project administered by Indiana Department of Transportation (INDOT). As such, INDOT procedures must be followed, resulting in these filings. The agreements are a City/County Utility Reimbursement, a Vectren Utility Reimbursement, and an INDOT Public

Coordination Contract. These have been reviewed by the county attorney and all necessary paperwork from INDOT has been received.

- Commissioner Murtaugh moved to accept the agreements as presented, second by Commissioner Byers; motion passed.

A Warranty Deed, Temporary Highway Easement, Right of Entry Document, and a Settlement and Indemnity Agreement with Mr. Wei Zhou were presented for approval. The Warranty Deed is in the amount of \$9,480 and the Temporary Easement is \$50.

- Commissioner Murtaugh moved to accept the Warranty Deed, Temporary Easement, Right of Entry, and Settlement and Indemnity Agreement with Mr. Zhou as presented, second by Commissioner Byers; motion passed.

### ***BUILDING COMMISSION – Ken Brown***

#### Beverly Adams Property Update

Building Inspector Ken Brown presented the board with current photos of the property showing the continuing deterioration and lack of security from entry. Attorney Jim Gothard, representing Ms. Adams, read a portion of a letter he received from the lawyer for Saxon Mortgage, the company holding the mortgage on the property. It states the attorney has not heard from Saxon regarding this matter and does not expect to anytime soon. Mr. Brown stated to demolish house would cost around \$10,000, which would cause another lien to be placed against the property in addition to the several other liens currently in place. Commissioner Byers asked Mr. Gothard if he felt an extension until the next meeting would provide enough time for Saxon to respond. Mr. Gothard said an extension is in everyone's best interest, although he doubted the mortgage company would enter the discussion in time. Commissioner Byers asked if it is possible to send someone from the county to secure the building in the interim; Mr. Brown said it is possible but he didn't know who could do so. Commissioner Knochel suggested moving forward with obtaining demolition quotes with a plan to delay the process if Mr. Gothard hears from Saxon Mortgage when the quotes are ready. Highway Director Kuhl volunteered to send someone from her department to secure the house.

- Commissioner Murtaugh moved to reinstate the action taken at the August 17, 2009 meeting, continuing the suspension of the \$5,000 fine, and direct the Building Commission to obtain demolition quotes, second by Commissioner Byers; motion carried.

#### Robert Wallace Property Update

Building Inspector Ken Brown reported no progress has been made to this property since the Commissioners granted Mr. Wallace permission to move forward with repairs during the June 15, 2009 meeting. Mr. Brown explained the ordinance allows the building permit to be revoked if there is no action taken in six months. He has had no contact from the owner or contractor justifying the lack of progress. Commissioner Byers suggested sending a reminder notice to Mr. Wallace; Commissioner Murtaugh agreed. No motion taken.

### ***GRANTS – Laurie Wilson***

Grant Coordinator Laurie Wilson asked permission to apply for a grant from the Indiana

Supreme Court for Court Appointed Special Advocate (CASA) in the amount of \$48,230. These funds would be used to support Children In Need of Special Services (CHINS) cases.

- Commissioner Murtaugh made a motion to grant permission to apply for the grant as stated, second from Commissioner Byers; motion passed.

Ms. Wilson asked permission to apply for a grant from the local Subaru of Indiana Automotive (SIA) Foundation for \$2,800. The Sheriff would use these funds to purchase a Hummingbird side-scan sonar device used to locate drowning victims.

- Commissioner Byers moved to grant permission to apply for the local SIA grant for \$2,800 as stated, second from Commissioner Byers; motion passed.

### ***TRANSFER OF PROPERTIES TO THE CITY OF LAFAYETTE***

1024 and 1102 Sycamore St., Lafayette – Attorney Luhman explained these properties were acquired by the county as part of the flood buy-out process and are located completely within the city of Lafayette. Resolutions 2009-20-CM and 2009-21-CM were passed previously to transfer the properties to the city; the City of Lafayette council has passed resolutions accepting them.

- Commissioner Murtaugh moved to transfer said properties to the City of Lafayette, second by Commissioner Byers; motion passed.

### ***TREASURER – Bob Plantenga***

Attorney Dave Luhman specified the contract with Advanced Micro-Electronics dba The AME Group (AME) is for the processing of property tax bills paid by credit card on-line. The document states the county will provide a file of taxpayer billing information to AME for resale to limited third parties in exchange for the county using their service, allowing a 2.95% service fee to be paid by the taxpayer directly to AME at time of transaction. It was noted that this company is also referred to Certified IT, as displayed on the county website.

- Commissioner Murtaugh made a motion to approve the contract with advanced Micro-Electronics for on-line credit card processing, second by Commissioner Byers; motion passed.

### ***UNFINISHED BUSINESS***

Human Resources Coordinator Shirley Mennen presented the 2010 Holiday schedule for approval. It reflects the State schedule with the additions of the primary and general election days. President's Day will be moved to later in the year to also match the State schedule, leaving no holidays in February.

- Commissioner Byers moved to approve the 2010 Holiday schedule as presented, second by Commissioner Murtaugh; motion carried.



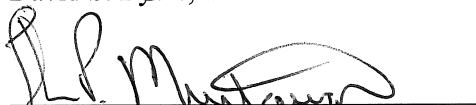
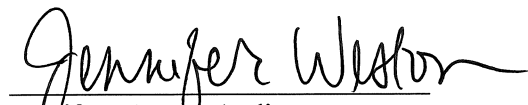
**REPORTS ON FILE**

Mail and Duplicating  
Building Commissioner  
Park Board Minutes

**PUBLIC COMMENT**

None

- Commissioner Byers moved to adjourn.

**BOARD OF COMMISSIONERS OF  
THE COUNTY OF TIPPECANOE**  
John L. Knochel, President  
David S. Byers, Vice President  
Thomas P. Murtaugh, Member**ATTEST:**  
Jennifer Weston, Auditor